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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re CELERA CORP. SEC. LITIG.

) No. 10-cv-02604-JW(HRL)

This Document Relates To:

ALL ACTIONS.

) CLASS ACTION

) STIPULATION AND [PROPOSED] ORDER
) RE: (i) AMENDMENT TO THE
) COMPLAINT AND (ii) VACATING THE
) MARCH 28, 2011 HEARING DATE AND
) CASE MANAGEMENT CONFERENCE

1 WHEREAS, by orders dated September 14, 2010 (Dkt. No. 18) and September 23, 2010
2 (Dkt. No. 21), the Court appointed Washtenaw County Employees' Retirement System
3 ("Washtenaw") as lead plaintiff;

4 WHEREAS, lead plaintiff Washtenaw filed a Consolidated Amended Complaint for
5 Violation of the Federal Securities Law ("Complaint") on October 15, 2010 (Dkt. No. 24);

6 WHEREAS, defendants moved to dismiss the Complaint on November 29, 2010 (Dkt. No.
7 29); a hearing on the motion is currently scheduled for oral argument on March 28, 2011 at 9:00
8 a.m.;

9 WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995 which governs
10 this action, discovery in this action is stayed during the pendency of a motion to dismiss (15 U.S.C.
11 78u-4(b)(3)(B));

12 WHEREAS, a Case Management Conference in the above-referenced action is also
13 scheduled for March 28, 2011 at 10:00 a.m.;

14 WHEREAS, on March 18, 2011, Celera Corporation ("Celera") filed a Form 8-K with the
15 U.S. Securities and Exchange Commission ("SEC") disclosing that Celera is restating its financial
16 statements for the period from the year ended June 30, 2008 through the first three quarters of the
17 year ended December 25, 2010. The Form 8-K states that the restatement is being made to correct
18 errors related to the classification of bad debt expense and the recognition of unreimbursed and
19 uncollectible charges;

20 WHEREAS, upon learning of these new facts, and in the interest of conserving resources of
21 the parties and the Court, rather than proceeding on the current Complaint lead plaintiff requested
22 and defendants agreed to stipulate to time for lead plaintiff to assess the new facts and file an
23 amended complaint rather than to proceed with the currently-scheduled hearing on defendants'
24 motion to dismiss, set for March 28, 2011; and

25 WHEREAS, in the interests of efficiency, the parties have agreed that the Case Management
26 Conference scheduled for March 28, 2011 be continued until after lead plaintiff files its amended
27 complaint, defendants have responded and any motion to dismiss is fully briefed.

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614088_1 STIPULATION AND [PROPOSED] ORDER RE: (i) AMENDMENT TO THE COMPLAINT AND (ii)
VACATING THE MARCH 28, 2011 HEARING DATE AND CASE MANAGEMENT CONFERENCE -
10-cv-02604-JW(HRL)

1 In accordance with the above, IT IS HEREBY STIPULATED AND AGREED, by the parties
2 through their undersigned counsel of record as follows:

- 3 1. Lead plaintiff will have until May 6, 2011 to file an amended complaint;
- 4 2. Defendants response to the amended complaint will be filed on or before June 21,
5 2011;
- 6 3. Lead plaintiff will file its opposition to any motion to dismiss the amended complaint
7 on August 4, 2011;
- 8 4. If necessary, defendants will file their reply to lead plaintiff's opposition to
9 defendants' motion to dismiss on or before September 1, 2011; and
- 10 5. The hearing on defendants' motion to dismiss, scheduled for March 28, 2011 at 9:00
11 a.m., and the Case Management Conference set for March 28, 2011 at 10:00 a.m., will be scheduled
12 for September 19, 2011, or any other date convenient to the Court.

13 IT IS SO STIPULATED.

14 DATED: March 21, 2011

ROBBINS GELLER RUDMAN
& DOWD LLP
WILLOW E. RADCLIFFE
SARAH R. HOLLOWAY

17 _____
18 /s/ Willow E. Radcliffe
WILLOW E. RADCLIFFE

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24 Additional Counsel for Plaintiff

25 DATED: March 21, 2011

26 MORRISON & FOERSTER, LLP
27 JORDAN ETH
28 JUDSON E. LOBDELL
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Counsel for Defendants Celera Corporation,
Kathy Ordoñez, Joel R. Jung, Ugo Deblasi, and
Christopher Hall

I, Willow E. Radcliffe, am the ECF User whose ID and password are being used to file this
Stipulation and [Proposed] Order Re: (i) Amendment to the Complaint and (ii) Vacating the March

STIPULATION AND [PROPOSED] ORDER RE: (i) AMENDMENT TO THE COMPLAINT AND (ii)
VACATING THE MARCH 28, 2011 HEARING DATE AND CASE MANAGEMENT CONFERENCE -
10-cv-02604-JW(HRL)

1 28, 2011 Hearing Date and Case Management Conference. In compliance with General Order 45,
2 X.B., I hereby attest that Judson E. Lobdell has concurred in this filing.

3
4 /s/ Willow E. Radcliffe
5 WILLOW E. RADCLIFFE

6 * * *

7 **ORDER**

8 IT IS SO ORDERED.

9 DATED: _____
10 THE HONORABLE JAMES WARE
11 UNITED STATES DISTRICT COURT JUDGE
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CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2011, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 21, 2011.

/s/ Willow E. Radcliffe
WILLOW E. RADCLIFFE

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Mailing Information for a Case 5:10-cv-02604-JW

Electronic Mail Notice List

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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